

Schools Act," answers this call for partnership.

Our bill provides initial funding for the creation of State and regional infrastructure banks. These banks will make loans to districts for school construction or modernization needs.

This mechanism helps to alleviate the financial burden for States and localities but provides sufficient flexibility to meet local needs.

The structure of the bill ensures that states and localities have the requisite flexibility to tailor programs to meet their unique needs.

The bill requires a 25 percent State match, which ensures the commitment of State government to the program while allowing States to leverage their dollars four-to-one.

It is a voluntary program—only for those states who choose to participate.

To those who have argued that the Federal Government should have no role in school facilities, and likewise to those who call for overly intrusive Federal programs, this bill offers a common-sense compromise.

I remember visiting a school in Nixa, MO, where every fourth-grader in the district attends class in trailers behind the school.

I have subsequently learned from teachers and administrators in other districts that the kids in trailers often have the best deal because conditions in the actual school buildings are often far worse than they are in the trailers.

Every State in this country has districts in need, in both urban and rural and suburban communities. The needs span the social economic strata of our Nation.

Disadvantaged and minority students are most likely to attend school in decrepit and obsolete buildings.

I would imagine that we have all seen schools that are either freezing cold or unbearably hot, that have poor lighting or inadequate bathroom facilities.

But students in more affluent suburbs—where there is often explosive growth in the community—also suffer from overcrowding.

Most parents would agree that they would like their children to attend schools where the student to teacher ratio is low, where class size is small.

Yet, without enough space, small class size is an impossibility.

And despite these conditions, we are asking our children for more than ever before.

A fellow Missourian, Mark Twain, once told the following story:

When I was a boy on the Mississippi River there was a proposition in a township there to discontinue public schools because they were too expensive. An old farmer spoke up and said, "If they stopped building the schools they would not save anything, because every time a school was closed a jail had to be built."

I have great faith in America's children. The time to invest in them is now. The investments we make in them will be returned to us many times over.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the interest of Senators, I have been in consultation with the distinguished Republican leader throughout the day. We are momentarily going to propound a unanimous consent request which would do several things.

First of all, it would accommodate Senator MURKOWSKI and his desire to bring up an amendment on the energy bill relating to Iraq.

We would then move to complete our work on the border security bill. There would be a number of amendments offered by Senator BYRD. Once those amendments have been disposed of, it would be our intention to then go to final passage. Then, prior to the end of the day, we would also take up a judicial nomination that has been on the calendar.

We would, throughout this period, have further discussions about our schedule for the remainder of the week—tomorrow—and early next week, as we attempt to bring some final closure to the energy bill.

So that is the current schedule. It is my expectation we will get this request which would allow us to complete our work on border security today. Senators should be forewarned there will be additional votes, probably several additional votes, yet today on the border security bill, I assume on the Murkowski amendment, as well as on the judicial nomination.

So that is the current plan. Just as soon as we have cleared it a final time with our Republican colleagues, I will propound this unanimous consent request. Until that time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3525

Mr. DASCHLE. Mr. President, I ask unanimous consent that upon disposition of the Murkowski amendment relating to Iraqi oil, the Senate resume consideration of H.R. 3525, the border security bill, and that it be considered under the following limitations: that there be 30 minutes of debate on the bill, with the time equally divided and controlled between Senators KENNEDY, BROWNBAC, FEINSTEIN, and KYL, or their designees; that the amendments listed in this agreement be the only amendments in order; that any debate time be equally divided and controlled in the usual form; that upon disposition of all amendments, the bill be read a third time and the Senate proceed to vote on final passage of the bill, without further intervening action or de-

bate: Kennedy-Brownback-Feinstein-Kyl managers' amendment, 20 minutes for debate; that debate on the following Byrd relevant amendments be limited to 20 minutes each: Byrd amendment regarding review of educational institutions' compliance provisions, Byrd amendment regarding penalty increase for manifest noncompliance, Byrd amendment with regard to change of deadlines for implementation of biometrics, and Byrd amendment regarding tightening requirements for participation in the visa waiver program.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I thank my colleagues for their cooperation.

Under this order, the Murkowski amendment relating to Iraqi oil is now the pending order of business. I encourage Senators, if they want to be heard on the amendment, to come to the Chamber.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENT NO. 3159 TO AMENDMENT NO. 2917

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3159 to amendment No. 2917.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the United States' energy policy toward Iraq consistent with the national security policies of the United States)

At the appropriate place, insert the following:

TITLE—IRAQ OIL IMPORT RESTRICTION SECTION 1. SHORT TITLE AND FINDINGS.

(a) This Title can be cited as the 'Iraq Petroleum Import Restriction Act of 2001.'

(b) FINDINGS.—Congress finds that—

(1) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 686 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research,

development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 661 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced "No-Fly Zones" in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(F) pays bounties to the families of suicide bombers in order to encourage the murder of Israeli civilians.

(2) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.

This Title will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that:

(a) (1) Iraq is in substantial compliance with the terms of

(A) UNSC Resolution 687 and

(B) UNSC Resolution 986 prohibiting smuggling of oil in circumvention of the "Oil-for-Food" program; and

(2) ceases the practice of compensating the families of suicide bombers in order to encourage the murder of Israeli citizens; or that

(b) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

SEC. 4. HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organiza-

tions and individuals within Iraq of food, medicine and other humanitarian products.

SEC. 5. DEFINITIONS.

(A) "661 committee." The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) "UNSC Resolution 661." The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) "UNSC Resolution 687." The term UNSC Resolution 986 means United Nations Security Council Resolution 687, adopted April 3, 1991.

(d) "UNSC Resolution 986." The term UNSC Resolution 986 means United Nations Security Council Resolution 986, adopted April 14, 1995.

SEC. 6. EFFECTIVE DATE.

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

Mr. MURKOWSKI. Mr. President, earlier this month Saddam Hussein indicated that he was terminating oil production for 30 days. That would terminate oil from Iraq to the United States.

I have a chart in the Chamber that shows currently the oil that we are receiving from Iraq. This chart shows the historic trend of crude oil imports from Iraq to the United States. In January, it was about 294,000 barrels. In June, it went up to 973,000 barrels.

One of the extraordinary things occurred in September. In September, it was at a high of almost 1.2 million barrels. Lest we forget, during September we had a terrorist attack in New York, in Washington, DC, and the downing of the aircraft in Pennsylvania.

What does this have to do with Iraq? Well, we have known for some time that Saddam Hussein has been fostering and supporting terrorist activities. And to give you some idea, let me show you this little replica of an acknowledged statement from his Government relative to providing funding to the Palestinian suicide bombers. There is a check for \$25,000. Previous to this, he was providing payments of up to \$10,000. With an incentive of \$25,000, God only knows to what extent terrorist activities will continue.

Yet as we look at the United States and the trends we have seen in oil imports, as the Mideast crisis worsens, we see the price of oil rise.

We also have another chart. We have seen this oil come into the United States. People probably don't really know from where their oil comes. Probably most of them don't care. It comes in to identified areas of New Jersey, Ohio, Indiana, Illinois, Minnesota, Missouri, Arkansas, Mississippi, Louisiana, Texas, California, and Washington.

The irony here is obvious, if we go back to 1992 and look at the desolation associated with the burning of the oil fields in Kuwait. Recognize that we are now importing or have been importing about 1 million barrels of oil a day from Iraq. Then with the notice by the Government of Iraq that they are going to terminate production, clearly one has to wonder if it is in the principal interest of the United States to rely on this source.

Earlier in the day, we voted on the issue of ANWR. It was a cloture motion. We did not obtain 60 votes. So far on the energy bill, it is fair to say that the only increase in domestic production identified was associated with ANWR. Perhaps it is ironic that Saddam Hussein should terminate production. But I think it is appropriate, from a principle point of view, that the United States, by formal action, end our imports from Iraq until a couple of things happen.

One is that the United Nations certifies that Iraq has complied with the Security Council resolution No. 687 and has dismantled their programs to develop and construct weapons of mass destruction; and that Iraq cease to smuggle oil in contravention of Security Council resolution No. 986; and finally, Iraq no longer pays bounties to the families of suicide bombers wreaking havoc in Israel.

I recognize the Iraqi oil program is intended to be used for the benefit of the Iraqi people. But that is not the case. My amendment also seeks to ensure that the President use every means available to support humanitarian needs of the Iraqi people, notwithstanding the ban on oil imports.

Most Members consider themselves internationalists. I believe firmly in the importance of engagement with other countries, particularly economic engagement. I am a strong believer in free trade and have worked with many of my colleagues to reform economic sanctions and policies. However, it is time to draw the line on economic engagement when national security is compromised.

Our increasing dependence on unstable overseas sources of oil is compromising our national security. We have seen Saddam Hussein last week urge fellow Arab OPEC members to use oil as a weapon. We have seen what an aircraft can do as a weapon. Saddam Hussein did that by imposing this 30-day embargo of oil exports to the United States until the United States forced Israel to cave in to the demands of the Palestinian extremists.

In 1973, the Arab League used oil as a weapon during a time of similar crisis in the Mideast. At that time, the United States was 37-percent dependent on imported oil. Still the Arab oil embargo demonstrates how powerful a weapon oil can be. And the United States was brought to its knees. Several of us remember during that time of the Yom Kippur War, there were gas lines around the block. The public was

blaming everybody for the inconvenience, including Government.

During that particular timeframe, however, the TransAlaska Pipeline was completed. Oil began to flow. And within a few years, 25 percent of our domestic oil production came from Prudhoe Bay. As a consequence, imports dropped dramatically. But that was then and this is now. Times change. On the other hand, how much they stay the same.

Nearly 30 years after the Arab oil embargo, we are faced with a similar threat that we faced in 1973, but there is a difference. The difference is now we are 58-percent dependent on imported oil. Back in 1973, we were 37 percent. The stakes are higher. The national security implications are more evident. One wonders what we have learned. From the vote earlier today, I wonder that, too.

Before us is the reality that Saddam Hussein has called on his Arab neighbors to use oil as a weapon and begin a 30-day moratorium on exports. The United States was importing over 1 million barrels of oil from Iraq.

As we look at the situation in the Mideast today, our Secretary of State, having made every effort to bring the parties together, understanding withdrawal, whatever it took, and the appearance at least that Egypt has refused to meet with our Secretary of State, Mubarak, what that means, I guess one could look between the pages of history and come up with some kind of an evaluation. Things certainly are better but they might get worse.

Reality dictates if you filled up your tank, chances are at least a half a gallon of the gasoline in your tank originally came from Iraq. Think about that. This is the same guy who pays bounties on suicide bombers of \$25,000, who fires at our sons and daughters flying missions in the no-fly zones in Iraq, who has used chemical weapons on his own people, who has boasted that he has the weapons to scorch half of Israel.

But when you innocently filled up your tank, you paid Saddam Hussein perhaps a nickel of every dollar you spent at the pump that day. You contributed to some extent to the suicide bombings. You bought shells targeted at American forces. You paid for chemical and biological weapons being developed in Iraq which are targeted at Israel and those Iraqis who would challenge Saddam Hussein.

Haven't we learned our lesson before? I was looking around the house the other night. I ran across a Life magazine from March 1991. In a profile of the gulf war, they wrote of Saddam:

When he finally fought his way to power in 1979, after an apprenticeship of a few years as a torturer, his first order was the execution of some 20 of his highest-ranking government officials, including one of his best friends. He likes to say "He who is closest to me is farthest from when he does wrong." He grew up in dirt to live in splendor. . . . He is cheerless. And he currently possesses Kuwait.

This article can be used as a reminder of the costly mistakes of not dealing with him. It is more or less a play-by-play review of the gulf war that we are in now but new names and a new era from 2002 could just as easily be inserted into the article. These lessons must not be lost. We recognize he is our enemy. The world must isolate him, cut him off and coax his regime to an early death.

But we haven't learned our lesson, have we? He is still there because we are still buying his oil. Sure, these purchases are masked in the Oil for Food Program, but is it really working? He is still there.

I know the Oil for Food Program isn't supposed to work this way. Saddam is supposed to use the money from Oil for Food to feed the Iraqi people and buy medicine. But we know he cheats on the program, buying all kinds of questionable materials, and that he smuggles billions of dollars of oil out of Iraq, which directly funds his armies, his weapons programs, and his palaces.

I had an opportunity to be in Baghdad several years ago with a number of Senators. We met with Saddam Hussein. This was just before the gulf war. Regarding the circumstances of that meeting, I won't go into any detail, but they are very interesting. He invited us to lunch and never brought lunch. What we got out of the meeting was the recognition that this was a force to be dealt with.

No matter how you look at it, Mr. President, our purchase of Iraqi oil is absolutely contrary to our national security interests. It is indefensible and must end.

My amendment would do just that; it would end new imports of Iraqi oil until Iraq is proven a responsible member of the international community and complies with the relevant Security Council resolutions.

I began the statement by affirming my support for economic engagement. I believe deeply in the principle of free trade. I do not, however, believe in economic disarmament. When, as is the case with oil, a commodity is not only important to our own economic health but also important to our military's ability to defend the Nation, self-sufficiency is a crucial matter. No country or group of countries should have the ability to ground our aircraft, shut down our tanks, or keep our ships from leaving port. Yet allowing ourselves to become dependent on imports of this nature threatens to do just that.

In the case of Saddam Hussein, we are dependent for some 5 percent of our imports from a sworn and defiant enemy. There he is on that chart. But our reliance on other foreign sources of oil is not risk-free. We have a very uneasy relationship with our friends in the gulf. September 11 clearly demonstrated that our enemies in such staunch allies as Saudi Arabia may outnumber our friends.

We already have some form of economic sanction on every single mem-

ber of OPEC—a reflection of the uneasy relationship that we have with these nations. So this is risky business relying on countries such as these for our national security.

Some Members have long recognized the folly of importing oil from our enemies—some more than others. But on July 25, we extended sanctions on importing oil from Iran and Libya. We have not imported any oil from those countries for some time because the sanctions were in existence. We didn't initiate sanctions against Iraq. Well, it is time we did.

Does relying on Iraq make more sense than relying on Iran and Libya? I don't think so. I know that many of my colleagues advocate production in less risky parts of the globe, including here in the United States. The trouble is, we have to drill for oil where we are likely to find it. The fact is, the ground under which most of the oil is buried is controlled by unstable, unfriendly, or at-risk governments.

Look at Colombia and the oilfields being developed in the pristine rain forests down there. We get some 350,000 barrels a day from Colombia.

The 408-mile-long Cano Limo pipeline is at the heart of the Colombian oil trade, and it frequently is attacked by FARC rebels. They have declared the pipeline to be a "military target." They are anticapitalist, anti-United States, anti-Colombian Government rebels.

The trouble is, the half of the country these rebels control has the Cano Limo pipeline running through it—a convenient target to cripple the economy, get America's attention, and rally their troops for their cause. Countless attacks have cost some 24 barrels in lost crude production last year and untold environmental damage to the rain forest ecosystem.

Last year, rebels bombed the Cano Limo 170 times, putting it out of commission for 266 days, costing Colombia roughly \$500 million in lost revenue.

Our administration wants to spend \$98 million to train a brigade of 2,000 Colombian soldiers to protect the pipeline. Now, last week, another rebel faction called American oil companies running the pipeline "military targets."

I wonder if we are truly unfazed about the close connection between oil, money, and national security. Are we willing to turn our heads on the Mideast crisis to finance the schemes of Saddam Hussein? Are we willing to allow our policy choices in the Middle East to be dictated by our thirst for imported oil from this particular source? Are we willing to let our oil be used as a weapon against us?

We should not allow our national security to be compromised. I know some today have dismissed ANWR as a solution. But the relevance here is principle. Our military cannot conduct a campaign associated with dependence on such unreliable sources.

I sympathize with the desire to eliminate the use of fossil fuels. I believe we

will get there with continued research and new technologies. I understand the urge to deny the importance of oil in the national security equation. But all of my colleagues will eventually have to look in the mirror after this debate and ask themselves, again, to what extent we are willing to sacrifice our national security in order to appeal to the fantasies associated with the desires of Saddam Hussein.

One of the things I think is testimony to the severity of how we deal with Iraq is the responsibility of the President and Joint Chiefs of Staff, his Cabinet, and others, as we have observed the reality that he is developing weapons of mass destruction. He has a delivery system capable of sending a missile to Israel. But he has been working on a nuclear capability. When is the world going to deal with that? Had we known what was about to occur relative to the tragic events associated with September 11, we would have taken action against Osama bin Laden. Had we only known.

In the case of Saddam Hussein, the exposure is there. The question is, When and how? Buying oil and increasing our dependence on that country is certainly not the answer because we are funding whatever mischief Saddam Hussein is up to. So that is the purpose of this amendment, Mr. President.

I urge my colleagues to think a little bit about the principle involved and join me in support of the amendment. Again, the irony is that he has cut us off for 30 days. The ramifications of that, the future will tell. Will the OPEC nations increase production and make up for the shortfall? They have indicated they might. Will the price of oil likely go up because of the shortage of supply? It is already going up.

Clearly, by an action taken by the Senate to formally terminate imports from that country, we will send him a message, but will somebody else simply take our place and buy Saddam Hussein's oil?

In any event, I think it is appropriate, from a principle point of view, for the United States to terminate its relationship with Iraq, as the amendment proposes, until such time as he commits to abide by the U.N. agreement, which requires that we have inspectors in Iraq to ensure that he is not a threat to the world; further, that he commits to halt any further funding of suicide bombers associated with the terrible activities occurring in Israel and Palestine.

I have no further comments. Seeing no other Senator seeking the floor, I yield back the remaining time on this side, and defer to Senator BINGAMAN.

I believe the yeas and nays have been ordered, Mr. President.

The PRESIDING OFFICER. Yes, they have.

Mr. BINGAMAN. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. Thirty minutes.

Mr. BINGAMAN. Mr. President, let me make a few comments with regard

to the amendment, and I do not know that I will be in opposition, but I have some concerns I wish to express—and perhaps ask a few questions—I have the amendment in front of me—my understanding of what the amendment is that first of all, it does not in any way prohibit Iraq from exporting oil. I think that is clear. Iraq has made a decision just recently to suspend its exports of oil for 30 days. So that is in place, as I understand it. But this amendment does not prohibit Iraq from exporting oil or does not commit us to any action which would in any way prohibit Iraq from exporting oil.

Second, it does not prohibit us from importing oil from other sources. What it basically says is, we can continue to import whatever the percentage is—50 percent, 56 percent—of our oil needs from the world market. We just cannot import from this source.

Also, it does not really by its language impose a legal prohibition against importing from Iraq. What it says is, as I read it and this is on page 3 of the amendment. It says:

This Act prohibits imports until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

Basically, it takes the decision, which has been our national policy, that we would import legally exported Iraqi oil, just as we would import other oil. It says that in order for us to continue with that activity, the President has to give us a certification that it is not inconsistent with our national security or foreign policy interests to do so.

Obviously, our relations with Iraq are a very serious foreign policy issue for our country at this time, and I am persuaded that most Members of the Senate would be very anxious to work in cooperation with the administration and with the President in formulating our policy toward Iraq.

I do not know where the administration stands on this amendment. I do not know if there has been any request for their views on it. I would be anxious to hear from the sponsor of the amendment if he has had a reaction from the administration. We have made some informal inquiries, and we have been unable to get a response from the administration.

I, frankly, think the responsible course would be for us to give the administration a chance to tell us its views. If the President wants this legislation enacted, then obviously that would carry great weight with many Senators. If the President believes this puts him in an awkward position, in that it requires him to issue a certificate to permit continued imports of Iraqi oil, then I think we should know. Obviously, there are many Members of this body who do not want to put the President in an awkward position relative to our relations with Iraq.

I also have concerns about how an amendment such as this could be interpreted in world oil markets. We are very concerned that the price of gasoline has been going up in recent weeks, and we heard a lot about that during the ANWR debate that just concluded. Of course, that is a reflection, to some extent at least, of the rising price of oil on world markets. The price is up around \$26 a barrel today, which is substantially higher than it was a few months ago. People are concerned about that.

However, the information I have is that one reason why we import oil from Iraq is that we are able to do so at a discount. Why is Iraq forced to sell its oil at a discount in the world market? Because it is considered by the market to be a somewhat unreliable source for oil, so they are not able to get the premium price that some other producers are able to get. U.S. refiners benefit from that, and U.S. consumers benefit from the fact that we are buying that oil at a discount.

I have an article that I will ask be printed in the CONGRESSIONAL RECORD after my statement, from the April 15 edition of the Dallas Morning News. The title of it is: "In Oil, Profit Often Beats Politics." I ask unanimous consent the article be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, the key part of this is some comment on the amendment my colleague, Senator MURKOWSKI, is now offering. It says:

Mr. MURKOWSKI wants to ban Iraqi oil imports. We have done this before. Libyan oil was banned. Iranian oil was banned. But oil is a commodity, and import bans make little difference in the global market. Unless all importers join the boycott, the oil will find a buyer.

The main point is pretty clear: If Iraq is going to decide at the end of this 30 days to commence exports again, it will find a buyer for that oil. It will likely continue to sell at a discount in the world market. If we prohibit the importation of that oil into the United States, that is not going to hurt Saddam Hussein. That is not going to hurt Iraq. Iraq will find a buyer for that oil. We will be buying the oil we need from another source, but we will be buying on the world market just as we are today.

As I say, I think there is less here than meets the eye as far as actually trying to impact or strike a blow against Saddam Hussein. I do not see that this amendment does that. I think, if anything, it puts our President in the awkward position of having to send a certificate to the Congress saying that, in his view, we should go ahead and continue to import Iraqi oil.

Maybe that is what the President would like. Maybe that is what the Secretary of State would like. Maybe that is what the Secretary of Energy would like. I have not heard that from

any of them, and I think the appropriate course would be for us to solicit their opinion on an important amendment such as this before we adopt it.

My initial reaction to this kind of amendment, and I am sure the initial reaction of most Senators, is: Fine, this is an anti-Saddam Hussein vote. How do you go wrong, how do you lose support in your home State by voting against Saddam Hussein? I would venture to say nobody does.

However, this is a sensitive area of foreign policy and I do not know whether the Foreign Relations Committee has considered anything like this. It might be something they would be interested in looking at. I do not know if Senator BIDEN, who is chairman of that committee, has had a chance to look at this and formulate a position on it.

I do not know that many Senators would want to vote against an amendment of this type, but if it is going to be pushed to a vote, I hope before the vote occurs—and I know it is expected to occur very soon under the unanimous consent agreement—I hope we can get some communication from the White House as to whether or not they support the amendment.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Dallas Morning News, Apr. 15, 2002]

IN OIL, PROFIT OFTEN BEATS POLITICS

WASHINGTON.—Gasoline prices climbed 31 cents a gallon in the last eight weeks. Israelis and Palestinians are at war again. Saddam Hussein says Iraq will halt oil production for 30 days to protest. None of this is encouraging, but neither is it a description of an oil crisis. When one spigot closes, another opens. There's 7 million barrels a day of spare production capacity available to make up for Iraq's 1.7 million barrels a day of exports. The 11 members of the Organization of the Petroleum Exporting Countries hold 90 percent of that spare capacity. OPEC has tried since the 1973 Arab oil embargo to convince the world that it is an economic club rather than a political weapon. Saudi Arabia, with 3 million barrels a day of spare capacity, is expected to cover any Iraqi-induced shortage, as it has before.

Gasoline prices have risen rapidly in recent weeks but remain about 10 cents a gallon below last year's levels. Dallas experienced its highest price for unleaded regular on May 12, when the average was \$1.66 a gallon. Oil is the most political commodity. It was largely Saudi Arabia's political will to produce more that sent oil prices down after Sept. 11, and Saudi curbs on oil that sent them back up again. The oil workers in Venezuela and Nigeria flexed their political muscles last week in showdowns with their governments that coincided with the agonies of the Middle East.

Nigeria's unrest centered on unpaid oil workers, and quieted quickly.

Venezuelan oil deliveries were disrupted, and the strikers persuaded the military to join them in an abortive coup Friday against Venezuelan President Hugo Chavez. Mr. Chavez returned to office Sunday, 48 hours after being ousted.

Iraq and Venezuela supply a major portion of oil refined in the United States. Venezuela sends half its 2.4 million barrels a day of exports to the United States, both as gasoline and crude oil. More than half of Iraq's ex-

ports also land in the United States. Given the enmity between our countries, that seems crazy. But economics beats politics with Iraqi oil, whose price discounts seem irresistible to U.S. refiners.

Republican Sens. Frank Murkowski of Alaska and Larry Craig of Idaho are incensed by Iraq's presence in the market. They say that every time a U.S. motorist fills up, he or she is putting money in the pockets of suicide terrorists. (Iraq has offered \$25,000 to their families.)

Mr. Murkowski wants to ban Iraqi oil imports. We have done this before. Libyan oil was banned. Iranian oil was banned. But oil is a commodity, and import bans make little difference in the global market. Unless all the importers join the boycott, the oil will find a buyer.

The same logic applies to export bans. Iraq can quit producing, and Saudi Arabia covers the deficit. Iraq and Venezuela can stumble together, and if the Saudis don't cover it all, prices will rise around the world and tempt other nations to increase their production.

OPEC, in fact, can ill afford to see its oil production used as a political weapon. The U.S. Energy Information Administration expects OPEC production to be down 1.9 million barrels a day this year as the cartel tries to defend a price band. This lures others, particularly the Russians, to fill the gap. Non-OPEC production is expected to increase this year by 1.1 million barrels a day. Because profit has more pull than political kinship, rival producers will rush to capitalize upon a slowdown in Iraqi and Venezuelan oil exports. That logic founders if something happens to disrupt Saudi oil production. No one can take Saudi Arabia's place in the market. Today's regime in Saudi Arabia shows no sign of repeating the 1973 oil embargo. Tomorrow's regime? Who knows?

Mr. BIDEN. Mr. President, I oppose the amendment of the Senator from Alaska. I do not disagree with most of the findings in his amendment. Saddam Hussein is clearly in violation of his obligations under United Nations Security Council resolutions. He has repeatedly demonstrated his callous disregard for the plight of the Iraqi people. Humanitarian aid under the oil for food program has been diverted, languished in warehouses, or simply not purchased at all. As much of the Iraqi population goes without adequate health care and nutrition, Saddam lavishes luxury goods on his cronies and builds palaces.

While the Senator may be correct in his diagnosis of the illness, it is not clear to me that his amendment is the cure.

I have just spoken to a senior official at the State Department, who believes this amendment is a serious mistake. I believe that this amendment puts the President in a very difficult position at a difficult time.

I have concluded that we need a regime change in Iraq. In my view, that effort will require us to lay the groundwork by making a solid case and building as broad a coalition as possible. I am concerned that this amendment may make the President's task more difficult. At the very least, we should provide him the opportunity to make his views known on this amendment.

While the potential impact of this amendment is great, it has not been scrutinized sufficiently. The Foreign

Relations Committee has certainly discussed the issue of Iraq policy, but we have not examined this specific proposal. I also understand that the Energy Committee has held no hearings on this proposal.

As I stated at the outset, I do not see how this amendment will address the legitimate issues that the Senator cites. The proceeds for the legal purchase of Iraqi oil made by American companies are deposited in an escrow account controlled by the United Nations. Money in that account is then released for purchases of civilian goods. Before any money is spent, the sanctions committee, on which the United States sits, must approve every contract. In other words, we have a veto on how the money gets spent.

To be sure, the oil for food program has flaws. Saddam gets illegal revenues by selling oil outside the program and by collecting illegal surcharges from shady middlemen. It is these revenues that are used by Saddam to prop up his regime, pursue weapons of mass destruction, and pay the families of Palestinian suicide bombers. The Senator's amendment does not address the problem of illegal surcharges or smuggling.

I am also concerned that by effectively pulling the United States out of the oil for food program, we may be sending the signal that we are not interested in the welfare of the Iraqi people. I know that is not the Senator's intention, but it may be an unintended effect of his amendment. This could have an impact on the ability to pull together an effective coalition to confront Saddam.

This is just one example of the potential unintended impact of this amendment. I think it is important that we understand all of the ramifications of this proposal before proceeding.

Mr. MURKOWSKI. Mr. President, recognizing I have yielded back my time, I wonder if the majority would allow me to respond for a few minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I have no objection. Following that, I expect to yield back most of my time. I gather we are ready for a vote.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank my friend, Senator BINGAMAN.

It is the intention of the prohibition on Iraqi-origin petroleum imports to terminate the imports, and they could then be addressed by the President and the President, after consultation with relative committees of Congress, can certify to the Congress that Iraq is substantially in compliance with the U.N.S.C. Resolution 687 and Resolution 986.

Resolution 986 prohibits smuggling of oil in circumvention of the Oil for Food Program, and 687 mandates inspections by U.N. inspectors. So the intent is clear. It is to terminate oil exports in the United States.

The Senator from New Mexico suggested we contemplate and be somewhat sensitive to the attitude of the

White House. I think during our extended debate on ANWR we had an extended discussion about the attitude of the White House that did not prevail in this body.

I think what is germane, however, is the attitude of the White House with regard to the sanctions on Iran and Libya. They are quite clear, and I think there is a notable similarity. Those sanctions were initiated in retaliation to terrorist activities associated with Libya. What was it? The downing of Pan American flight 103 over Scotland. That is why we took that action. It was most appropriate. In Iran, in 1979, it was the Embassy takeover and the terrorist activities associated with that.

So we have a parallel. I do not think there is any question about it. We terminated a relationship in the sanction action against Libya and Iran for fostering terrorism.

If what is going on with Saddam Hussein is not an act of terrorism, I do not know what is. I indicated in my statement pretty much throughout, this is a matter of principle for the United States. I do not think there is any question about the justification. It is the same justification. Saddam Hussein is fostering terrorism, and I think we would all acknowledge that. So I think, with all due respect, that is the justification for this action.

Today, who is more of a threat to the world? Is it Iran, is it Libya, or is it Iraq? Well, no question in my mind.

I am happy to respond to any questions.

I yield back the remainder of my time.

Mr. BINGAMAN. Mr. President, I yield back the remainder of our time as well.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3159. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE), is necessarily absent.

Mr. LOTT. I announce that the Senator from Oklahoma (Mr. NICKLES), is necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—88

Akaka	Cleland	Edwards
Allard	Clinton	Ensign
Allen	Cochran	Enzi
Baucus	Collins	Feingold
Bayh	Conrad	Feinstein
Bennett	Corzine	Frist
Bond	Craig	Graham
Boxer	Crapo	Grassley
Breaux	Daschle	Gregg
Brownback	Dayton	Harkin
Bunning	DeWine	Hatch
Burns	Dodd	Helms
Campbell	Domenici	Hollings
Cantwell	Dorgan	Hutchinson
Carnahan	Durbin	Hutchinson

Inhofe	Mikulski	Smith (OR)
Jeffords	Miller	Snowe
Johnson	Murkowski	Specter
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Stevens
Kohl	Reed	Thomas
Kyl	Reid	Thompson
Landrieu	Roberts	Thurmond
Leahy	Rockefeller	Torricelli
Levin	Santorum	Voinovich
Lieberman	Sarbanes	Warner
Lincoln	Schumer	Wellstone
Lott	Sessions	Wyden
McCain	Shelby	
McConnell	Smith (NH)	

NAYS—10

Biden	Chafee	Lugar
Bingaman	Fitzgerald	Nelson (NE)
Byrd	Gramm	
Carper	Hagel	

NOT VOTING—2

Inouye	Nickles
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The amendment No. 3159 was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table. The motion to lay on the table as agreed to.

CAPACITY-BASED STANDARDS

Mr. DOMENICI. Mr. President, I have discussed with Senator BINGAMAN a concern with his amendment No. 3016. In particular, I question whether we should structure the renewable portfolio standard to refer to the “capacity” of a renewable system or, as done in Senator BINGAMAN’s amendment, to the “energy generated.” I think we would simplify compliance by staying with a “capacity-based” standard, but I realize that this is a complex issue. I strongly recommend that we return to this issue in conference and carefully evaluate the pros and cons of these two approaches.

Mr. BINGAMAN. I concur with my colleague that this issue deserves more discussion. I look forward to further analysis and discussion of this in conference in order to arrive at a final position.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3525, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3525) to enhance the border security of the United States, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand that we have a time limit on both the bill and the particular amendments. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And the time on the overall bill is?

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. KENNEDY. And 40 minutes on each amendment equally divided. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, I am very pleased that we are enacting the Enhanced Border Security and Visa Entry Reform Act of 2002.

I would like at the outset to thank my colleagues and fellow sponsors, Senators BROWNBACK, FEINSTEIN, and KYL, as well as their dedicated staff, David Neal, LaVita Strickland, and Elizabeth Maier. We began working together on this legislation in November and have moved through every stage of this process as a united team.

I would also like to thank Senator HOLLINGS and Senator GREGG for their invaluable contributions to the bill. I thank Senator BYRD for steadfastly working with us to make important improvements to the legislation.

Finally, I thank all of our colleagues in the Senate for withdrawing their unrelated amendments to assure the swift passage of this vital legislation, the Enhanced Border Security and Visa Entry Reform Act, which will strengthen the security of our borders. It will improve our ability to screen visitors, monitor foreign nationals, and enhance our capacity to deter potential terrorists.

Our bill provides real solutions to real problems. It closes loopholes in our immigration system. Our solutions include expanding intelligence and law enforcement capabilities, upgrading 21st century technology, and establishing an electronic interoperable data system. Vital information will be shared in real time among our front line agencies.

Our legislation sets realistic deadlines for the Attorney General and the Secretary of State to issue to all foreign nationals machine-readable, tamper-resistant travel documents with biometric identifiers. It also sets a realistic deadline for our ports of entry to be used with biometric data readers and scanners.

It also recognizes the valuable role of our border security and INS personnel by ensuring that these offices receive adequate pay and training and have the technology they need to secure our borders without obstructing the efficient flow of persons and commerce.

It also recognizes the demands on our consular offices, and provides them with the additional training and resources to screen for security threats.

In this legislation, we preserve the visa waiver program but require a stringent reporting requirement on passport theft and more frequent evaluation of participating countries’ compliance with the programs’ conditions.

Our bill honors our proud immigration tradition. It safeguards the entry of the more than 31 million persons who enter the United States legally each year as visitor students, temporary workers, and the 550 million who legally cross our borders each year to visit family and friends.